

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LOUIS VINCENNIE,	:	CIVIL ACTION NO. 05-4033 (MLC)
	:	
Plaintiff,	:	ORDER TO SHOW CAUSE
	:	
v.	:	
	:	
XPEDITE SYSTEMS, INC.,	:	
	:	
Defendant.	:	
_____	:	

THE COURT REVIEWING this action; and the defendant removing from state court this action, inter alia, to recover damages for breach of an employment contract, and alleging jurisdiction under 28 U.S.C. § ("Section") 1332 (Rmv. Not., at 1); and it appearing (1) the plaintiff is a New York citizen, and (2) the defendant is a Delaware corporation with its principal place of business in Georgia (id. at 2; Compl., at 1); and the Court assuming further that New Jersey is a proper venue under Sections 1391 and 1406, as the defendant has an office in New Jersey (Compl., at 1); but

THE COURT NONETHELESS BEING vested with broad discretion to consider a transfer of venue to a district where the action might have been more-properly brought under Section 1404(a), see Jumara v. State Farm Ins. Co., 55 F.3d 873, 875, 877 n.3, 883 (3d Cir. 1995); and the Court being concerned that this action should be litigated in New York because (1) the plaintiff is a New York citizen, and (2) the defendant alleges the plaintiff "worked out of defendant's office in Manhattan, New York City, New York"

(Rmv. Not., at 2); and the Court directing the parties (1) to describe where the causes of action arose and their connection, if any, to New Jersey, and (2) to state – assuming the order to show cause is granted – which federal district court in New York would be most appropriate; and for good cause appearing;

IT IS THEREFORE on this 12th day of October, 2005,
ORDERED that the parties shall **SHOW CAUSE** why the action should
not be transferred to a federal district court in New York
pursuant to 28 U.S.C. § 1404; and

IT IS FURTHER ORDERED that the parties may respond to the
Court electronically by 5 P.M. on the following dates:¹

October 31, 2005 Plaintiff's response
November 10, 2005 Defendant's response
November 18, 2005 Plaintiff's reply; and

IT IS FURTHER ORDERED that this order to show cause will be
decided on **MONDAY, NOVEMBER 21, 2005**, or soon thereafter, without
oral argument pursuant to Federal Rule of Civil Procedure 78,
unless the parties are notified otherwise by the Court.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

¹ Only electronically-filed responses will be considered.
See <http://pacer.njd.uscourts.gov> (under "Electronic Filing
Info." and "Notice: Mandatory E-filing (11-3-04)").